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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,393	09/24/2003	Frank Tsai	USP2075C/SH15-BB2	4247
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RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			EXAMINER AYRES, TIMOTHY MICHAEL	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,393	Applicant(s) TSAI, FRANK	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 24, 25, 27, 28, 30, 31, 35 and 38 is/are rejected.
- 7) ☒ Claim(s) 23, 26, 29, 32-34, 36, 37, 39, and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a second and final action on the merits of application SN 10/671,393.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21, 22, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,743 to Nien in view of U.S. Patent 3,416,468 to Peterson. Nien '743 discloses a folding table (10). The two side runners (21,22) are supported underneath the side edges of the table (10). A mid-runner (26) is received in a longitudinal recess (13) the table (10) (Col. 3, lines 31-33) so that it is parallel between the side runners (21,22). A pair of leg assemblies (30,23,40,24) has a leg frame (30,40) and a transverse member (23,24) that is transversely and pivotally mounted between the side runners (21, 22). A folding frame (50,60) is attached to mid-runner (26) and to leg frames (30,40) so that when the folding frame (50,60) is unfolded the legs (30,40) are perpendicular to the table (10) as seen in figure 2. The folding frame (50,60) has a leg-coupling end (52,53,62,63), which is pivotally attached to the leg frame (30,40) at one end and at the other is pivotally attached to a table-coupling end (51,61). The table-coupling end is selectively attached to the mid-runner through pivot joint (55,65). Selectively is interpreted to mean that a point on the mid runner is selected.

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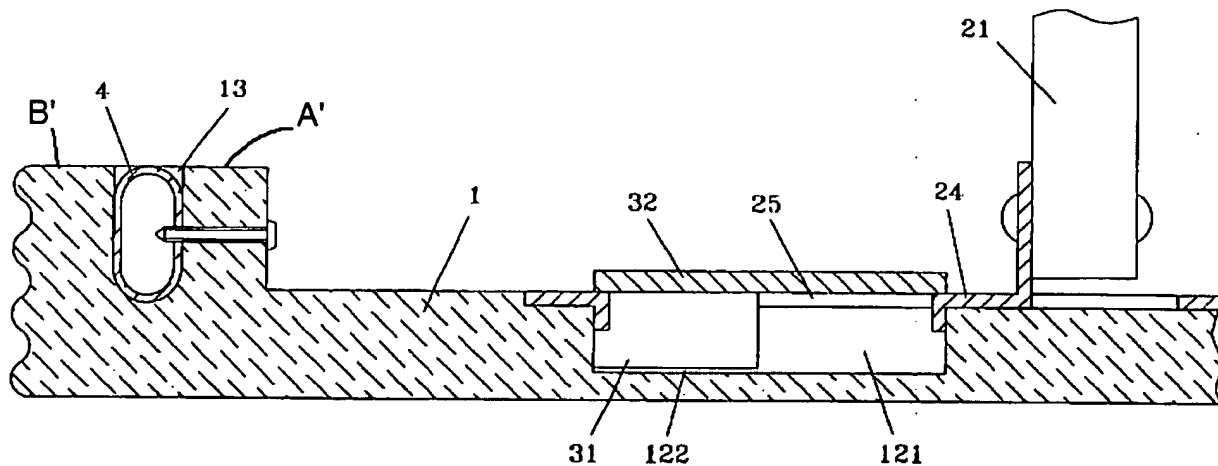
3. Nien '743 does not disclose expressly the mid runner having two ends coupled to the leg frames. Peterson '468 discloses tabletop (20) with two side runners (21,22). A mid runner (71) is parallel with the side runners (21,22). A pair of leg assemblies (23,24) includes folding frame members (88,89) that are pivotally connected to the mid runner (71) and the leg frames (56) such that the folding frame members (88,89) keep the table in the unfolded position. A transverse member (58) of the leg frame (56) is rotatably extended to the side runners (21,22). The mid runner (71) couples with the transverse member (58) of the leg frames (56) and is held to the two ends of mid runner (71) through an attachment unit. The attachment unit is made of a c-shaped frame holder (76 so that the leg frames (56) can rotate with respect to the mid runner (71). The mid-runner (71) is parallel to the side runners (21,22) and is attached to the table via screws (81).

4. At the time of the invention it would have been obvious for a person of ordinary skill in the art to shorten the mid runner of Nien in view of the teaching of Peterson and use the attachment units of Peterson to couple the ends of the mid runner to the frames so that the frame is stronger and lighter since there will be less mid runner metal.

5. Claims 24, 25, 27, 28, 30, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,743 to Nien in view of U.S. Patent 3,416,468 to Peterson as applied to claim 21 and 22 above, and further in view of U.S. Patent 6,520,094 to Wen. Nien '743 in view of Peterson '468 discloses every element as claimed and discussed above except two receiving tracks longitudinally and integrally

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formed in the surrounding rim by an outer sidewall and an inner sidewall. Wen '094 discloses a table (1) with a surrounding rim that has a receiving cavity/track (13) in it to receive a side rail (4). As seen in figure 4 below the surrounding rim has an inner side wall (A') and an outer side wall (B'). At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the table of Nien in view of Peterson and use the teaching of Wen to have the side rail located in the surrounding rim so that the table can be assembled easily (Wen '094, col. 1, lines 12-13).



Wen 094 Figure 4

6. Claims 38 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,743 to Nien in view of U.S. Patent 3,416,468 to Peterson as applied to claim 21 above, and further in view of US Patent 6,058,853 to Pinch. Nien '743 in view of Peterson '468 discloses every element as claimed and discussed above except the tabletop made of two side panels and a pivot hinge.

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7. Pinch '853 discloses a folding table (30) that includes pivot hinges (166,168) that attach to the side runners (156), which allow the table sections (34,36) to fold in an overlapped manner as seen in figure 3. Pinch '853 does not disclose a pivot hinge on the mid-runner, though it can be the same hinge as used on the side runners and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the table of Peterson '468 and make it fold like the table of Pinch '853 to make it easier to carry and be stored in a smaller space.

Allowable Subject Matter

8. Claims 23,26,29,32,33,34,37,39, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 10/12/05 have been fully considered but they are not persuasive. Peterson in column 3, lines 73-75, a center support 71 extends longitudinally between the cross braces 58 of leg assemblies which implies that the center supports ends at the cross braces. Peterson has attachment units that are C-shaped, but not a frame connector and a guiding slot.

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10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., no attachment between the mid-runner and the tabletop and the table coupling end being adjustably connected to the mid runner) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA
11/14/05



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